

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Application of: )  
 )  
Santa Monica Community )  
College District for a New )  
Noncommercial FM Station in )  
Mojave, California )

MM Docket No. 94-71  
File No. BPED-920305ME

To: The Honorable Joseph Stirmer

PETITION FOR LEAVE TO AMEND

Santa Monica Community College District ("SMCCD"), acting pursuant to Presiding Judge's Memorandum Opinion and Order of July 25, 1994, FCC 94M-453 ("Order"), hereby petitions for leave to amend its application to reflect the approval of SMCCD's application to the Federal Aviation Administration ("FAA") for a "no hazard determination" regarding SMCCD's amended proposal to operate on Channel 201B in Mojave, California. In support of this petition, the following is stated:

1. On July 25, 1994, the Presiding Judge issued the Order approving a settlement agreement between SMCCD and Living Way Ministries ("LWM"). Pursuant to the settlement agreement, SMCCD agreed to amend its application in order to avoid conflict with LWM's station on Channel 204B.

2. In the Order, the Presiding Judge granted SMCCD's petition for leave to amend its application to reflect the change in operation to Channel 201B in lieu of Channel 204B. That amended proposal, however, required the filing of a new application to the FAA for a "no hazard determination."

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3. In the Order, the Presiding Judge noted that SMCCD had filed a request for a "no hazard determination" with the FAA on July 1, 1994. The Order stated that SMCCD's application was "grantable" subject only to final action by the FAA. Therefore, the Presiding Judge directed SMCCD to file the FAA's approval with the Commission, at which time SMCCD's application would be granted.

4. On August 15, 1994, the FAA issued a determination that SMCCD's amended proposal would not present a hazard. A copy of the determination is annexed hereto.

5. SMCCD hereby requests that (1) the air hazard issue be resolved in its favor, and (2) its application be granted.

WHEREFORE, in view of the foregoing and the entire record herein, it is respectfully requested that the attached amendment be accepted for filing, that the air hazard issue be resolved in SMCCD's favor, and that SMCCD's application be granted

Respectfully submitted,

KECK, MAHIN & CATE  
1201 New York Avenue, N.W.  
Washington, D.C. 20005-3919  
(202) 789-3400




Attorneys for Santa Monica  
Community College District

By: 

Lewis J. Paper, Esq.

DO NOT REMOVE CARBONS

Form Approved OMB No. 2120-0001

NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION			Aeronautical Study Number
 U.S. Department of Transportation Federal Aviation Administration			94-AWF-1013-0E
<b>1. Nature of Proposal</b>			<b>2. Complete Description of Structure</b>
A Type <input type="checkbox"/> New Construction <input checked="" type="checkbox"/> Alteration	B Class <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary (Duration _____ months)	C Work Schedule Dates Beginning @ <u>FCC APPROVAL</u> End <u>FCC APPROVAL + 6 MONTHS</u>	A Include effective radiated power and assigned frequency of all existing, proposed or modified AM, FM, or TV broadcast stations utilizing this structure B Include size and configuration of power transmission lines and their supporting towers in the vicinity of FAA facilities and public airports C Include information showing site orientation, dimensions, and construction materials of the proposed structure
<b>3A. Name and address of individual, company, corporation, etc. proposing the construction or alteration.</b> (Number, Street, City, State and Zip Code) ( 310 ) <u>450-5183</u> area code Telephone Number  MR. JOHN HUNTLEY, C.E. RADIO STATION KCRW SANTA MONICA COLLEGE 1900 PICO BLVD. SANTA MONICA CA 91405  <b>RECEIVED BY AWP-530</b> <b>JUL - 1994</b>			NEW NCE-FM STATION CHANNEL 201B 88.1 MHz ERP = 22 kW HAAT = 195 Meters  EXISTING 30 METER STEEL POLE. ANTENNA MOUNTED AT 26 METERS AGL.  (if more space is required, continue on a separate sheet.)
B. Name, address and telephone number of proponent's representative if different than 3 above. JOHN J. DAVIS, CONSULTING ENGINEER P.O. BOX 128 SIERRA MADRE, CA 91025-0128 (818) 355-6909			
<b>4. Location of Structure</b>			<b>5. Height and Elevation</b> (Complete to the nearest foot)
A Coordinates (To nearest second)  35° 04' 02" Latitude  118° 23' 03" Longitude	B Nearest City or Town, and State TEHACHAPI, CA  5.5 Miles  321.5° T	C Name of nearest airport, heliport, light park, or seaplane base TEHACHAPI MTN. VALLEY (1) Distance from structure to nearest point of nearest runway 14,098' (2) Direction from structure to airport 317.4° T	A Elevation of site above mean sea level 5,039 B Height of Structure including all appurtenances and lighting (if any) above ground, or water if so situated 98 C Overall height above mean sea level (A + B) 5,137
D Description of location of site with respect to highways, streets, airports, prominent terrain features, existing structures, etc. Attach a U.S. Geological Survey quadrangle map or equivalent showing the relationship of construction site to nearest airport(s) (if more space is required, continue on a separate sheet of paper and attach to this notice.)  DEVELOPED ELECTRONICS SITE NEAR OAK CREEK PASS, NORTH OF THE TEHACHAPI-WILLOR HIGHWAY			
Notice is required by Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77) pursuant to Section 1101 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1101). Persons who knowingly and willingly violate the Notice requirements of Part 77 are subject to a fine (criminal penalty) of not more than \$500 for the first offense and not more than \$2,000 for subsequent offenses, pursuant to Section 902(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472(a)).			
I HEREBY CERTIFY that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to obstruction mark and/or light the structure in accordance with established marking & lighting standards if necessary.			
Date 06/29/94	Typed Name/Title of Person Filing Notice JOHN J. DAVIS, CONSULTING ENGINEER		Signature 
<b>FOR FAA USE ONLY</b> NAD83 31-04-01-83 11-25-94			
<b>The Proposal:</b> <input type="checkbox"/> Does not require a notice to FAA <input checked="" type="checkbox"/> Is not identified as an obstruction under any standard of FAR, Part 77, Subpart C, but would not be a hazard to air navigation <input type="checkbox"/> Is identified as an obstruction under the standards of FAR, Part 77, Subpart C, but would not be a hazard to air navigation <input type="checkbox"/> Should be obstruction marked <input type="checkbox"/> lighted per FAA Advisory Circular 7460-1, Chapter(s) _____ Obstruction marking and lighting necessary <input type="checkbox"/> <input type="checkbox"/> Remarks: 			

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of September, 1994, I caused a copy of Santa Monica Community College District's Petition for Leave to Amend to be sent via hand delivery, to the following:

Honorable Joseph Stirmer  
Federal Communications Commission  
Room 224  
2000 L Street, N.W.  
Washington, D.C. 20554

Gary Schonman, Esq.  
Hearing Branch  
Mass Media Bureau  
Federal Communications Commission  
Room 7212  
2025 M Street, N.W.  
Washington, D.C. 20554

and via first class mail, postage prepaid, to

Gary Curtis, Executive Director  
Living Way Ministries  
14820 Sherman Way  
Van Nuys, California 91405

  
Janice I. Johnson